

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Masakazu KATSUMATA, et al.)	Examiner: Jana A. Hines
)	
Application No.: 10/583,128)	Group Art Unit: 1645
)	
Filed: April 12, 2007)	Confirmation No.: 3225
)	
For: HARMFUL SUBSTANCE)	
EVALUATING METHOD AND)	
HARMFUL SUBSTANCE)	
EVALUATION KIT)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In an Office Action dated May 13, 2009, the period for response to which runs through June 15, 2009 (June 13, 2009 being a Saturday), the Examiner required restriction under 35 U.S.C. §§ 121 and 372 between the claims of Group I (claims 1 and 5-12), Group II (claims 2-4 and 18-25), Group III (claims 13-15) and Group IV (claims 16-17).

Applicants hereby elect Group II (claims 2-4 and 18-25) for examination.

Applicants respectfully request formal examination of this application.

Applicants respectfully submit that no fee is due in connection with the filing of this response. However, if there are any fees due in connection with the filing of this response, **except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any such fees during the entire pendency of this application, including fees

due under 37 C.F.R. §§ 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: June 5, 2009

By:



Paul A. Fournier

Registration No. 41,023

Customer No. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465